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**From:** Galbraith, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ABF7F5C1A5E462E8096CB58EF9757EB-MGALBRAI]  
**Sent:** 11/9/2016 12:23:57 PM  
**To:** Barr, Linda [Barr.Linda@epa.gov]; Buzzell, Tricia [Buzzell.Tricia@epa.gov]  
**Subject:** FW: Subpart X Conf Call Topics: for November 3 Call - Arizona

Original agenda topic below – looks like a federal facility (DOD)

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**From:** Crosby-Vega, Terri  
**Sent:** Thursday, October 27, 2016 7:15 AM  
**To:** Abdul-Malik, Norma <Abdul-Malik.Norma@epa.gov>; Gaines, Jeff <Gaines.Jeff@epa.gov>; Galbraith, Michael <Galbraith.Michael@epa.gov>; Gerhard, Sasha <Gerhard.Sasha@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Shuster, Kenneth <Shuster.Kenneth@epa.gov>  
**Subject:** FW: Subpart X Conf Call Topics: for November 3 Call - Arizona

See below some topics submitted for the Subpart X call...

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Atlanta, GA 30303  
**404-562-8497**

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**From:** Diana Deming [mailto:Deming.Diana@azdeq.gov]  
**Sent:** Wednesday, October 26, 2016 10:45 PM  
**To:** Crosby-Vega, Terri <Crosby-Vega.Terri@epa.gov>  
**Cc:** [Leverock.Anthony@azdeq.gov](mailto:Leverock.Anthony@azdeq.gov)  
**Subject:** Subpart X Conf Call Topics: for November 3 Call - Arizona

Hello Terri,

The State of Arizona has a couple of questions regarding the post-closure permitting of a former/closed OB/OD at a federal facility:

1. The definition of facility in 40 CFR 270.2 states that it is all contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing or disposing of hazardous waste. The 270 definition does not include the second paragraph of the 260.10 definition: “for the purposes of implementing corrective action under 40 CFR 264.101 or 267.101, all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA”. The permit applicant strongly objects to including the second paragraph of the 260.10 definition, especially since the facility is very complex (as federal facilities frequently are). They also argue that the definition in the permit should mirror the definition found in 270. Staff are concerned that by not including the 260.10 definition, it jeopardizes the authority of the permit to require corrective action for any newly discovered SWMUs at sites that may not be located near the former OB/OD unit. How are other States dealing with this?

2. The facility operated under 40 CFR 265 Subpart P, and commenced closure in 1993, prior to issuance of any operating permit, but has since applied for a post-closure permit. Staff are trying to use all available regulatory options, including omnibus, for the post-closure permit, and they wonder if 264, Subpart X requirements may also apply to the facility under post-closure, even though it never was permitted as a Subpart X facility. Lacking that, is the regulatory basis limited to omnibus and any relevant conditions contained in 264 Subparts G and N?

At least one of us will be on the call on Nov 3<sup>rd</sup>.

Thank you,

Anthony Leverock and Diana Deming

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